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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2010-153**

13 **LEONARD FRANK JASINSKI**
14 **14834 N. 63 Avenue**
Glendale Arizona 85306

A C C U S A T I O N

15 **Registered Nurse License No. 549990**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

22 **License History**

23 2. On or about November 20, 1998, the Board of Registered Nursing issued Registered
24 Nurse License Number 549990 ("license") to Leonard Frank Jasinski ("Respondent"). The
25 license expired on August 31, 2000.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 9. Respondent's license is subject to disciplinary action under Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Registered
5 Nurse License was disciplined by the Arizona State Board of Nursing ("Arizona Board"). In the
6 action entitled, *In the Matter of Professional Nurse License No. RN083373 and Practical Nurse*
7 *License No. LP027106 issued to: Leonard Frank Jasinski*, effective November 19, 2008, pursuant
8 to the Findings of Fact, Conclusions of Law, and Order No. 08A-0802032-NUR, Respondent's
9 Professional Nurse License No. RN083373 and Practical Nurse License No. LP027106 were
10 revoked. Furthermore, Respondent is not eligible to reapply for reinstatement for a period of five
11 years from the effective date of the Order. The underlying circumstances of the discipline are that
12 on or about February 21, 2008, while on duty at West Valley Hospital, in Goodyear, Arizona,
13 Respondent tested positive for opiates and Meperidine.

14 A copy of the Arizona Board's Findings of Fact, Conclusions of Law, and Order No. 08A-
15 0802032-NUR is attached as Exhibit A, and is incorporated herein.

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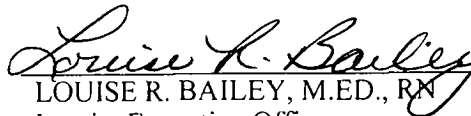
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 549990 issued to Leonard Frank Jasinski;
2. Ordering Leonard Frank Jasinski to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

9/15/09



LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

EXHIBIT A

Arizona Board's Findings of Fact, Conclusions of Law, and Order No. 08A-0802032-NUR

1 ARIZONA STATE BOARD OF NURSING
2 4747 North 7th Street Ste 200
3 Phoenix AZ 85014
4 602-889-5150

5 IN THE MATTER OF PROFESSIONAL
6 NURSE LICENSE NO. RN083373 AND
7 PRACTICAL NURSE LICENSE NO. LP027106
8 ISSUED TO:

9 LEONARD FRANK JASINSKI,

10 Respondent.

FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER NO. 08A-0802032-NUR

11 On November 19, 2008, the Arizona State Board of Nursing ("Board") considered the State's
12 Motion to Deem Allegations Admitted and Respondent's Response to the Motion, if any, at the
13 Arizona Board of Nursing, 4747 North 7th Street, Suite 200, Phoenix Arizona 85014. Nina
14 Zimmerman, Assistant Attorney General, appeared on behalf of the State. Respondent was not present
15 and was not represented by counsel.

16 On November 19, 2008, the Board granted the State's Motion to Deem Allegations Admitted.
17 Based upon A.R.S. § 32-1664 (I) and the Complaint and Notice of Hearing No. 08A-0802032-NUR
18 filed in this matter, the Board adopts the following Findings of Fact and Conclusions of Law, and
19 **REVOKES** Respondent's professional and practical nurse licenses.

20 **FINDINGS OF FACT**

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23 1. The Arizona State Board of Nursing ("Board") has the authority to regulate and control
24 the practice of nursing in the State of Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664.
25 The Board also has the authority to impose disciplinary sanctions against the holders of nursing
26 licenses/nursing assistant certificates for violations of the Nurse Practice Act, A.R.S. §§ 32-1601 to -
27 1667.
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29

2. Leonard Frank Jasinski ("Respondent") holds Board issued professional nurse license RN083373 and practical nurse license LP027106 in the State of Arizona.

3. On or about February 21, 2008, the Board received a complaint from West Valley Hospital, Goodyear, Arizona notifying the Board that Respondent was asked to submit a for-cause urine drug screen following an audit of his narcotic usage. The for-cause urine drug screen was positive for opiates and meperidine. Respondent was terminated from employment on or about February 19, 2008.

4. On or about March 7, 2008, Board staff spoke telephonically with Respondent. Respondent admitted that he relapsed about two weeks prior and that he took Demerol from West Valley Hospital for his personal use. Respondent acknowledged a history of drug abuse, and that this was a relapse. Respondent stated that he was under a lot of stress over work and family issues prior to his relapse.

5. On or about April 14, 2008, the Board received a completed investigative questionnaire from Respondent in which he stated that prior to his relapse he was having family and work issues and he was holding it in. He stated that he was not denying any of the complaint, that he was attending 90 AA meetings in 90 days, having daily sponsor contact, and seeing an Addictionologist.

CONCLUSIONS OF LAW

1. The conduct and circumstances described in the Findings of Fact constitute a violation of A.R.S. § 32-1663 (D) as defined in § 32-1601 (16) (d), (h) and (j), and A.A.C. R4-19-403 (B) (1), (7), (8a), (8b), (9), (16), (17), (18) and (31).

ORDER

In view of the above Findings of Fact and Conclusions of Law, the Board issues the following Order:

Pursuant to A.R.S. § 32-1664(N), the Board **REVOKES** professional nurse license number RN083373 and practical nurse license number LP027106 issued to Leonard Frank Jasinski.

Pursuant to A.R.S. § 41-1092.09, Respondent may file, in writing, a motion for rehearing or review within 30 days after service of this decision with the Arizona State Board of Nursing. The motion for rehearing or review shall be made to the attention of Susan Barber, R.N., M.S.N., Arizona State Board of Nursing, 4747 North 7th Street Ste 200, Phoenix AZ 85014. For answers to questions regarding a rehearing, contact Susan Barber at (602) 889-5161. Pursuant to A.R.S. § 41-1092.09(B), if Respondent fails to file a motion for rehearing or review within 30 days after service of this decision, Respondent shall be prohibited from seeking judicial review of this decision.

This decision is effective upon expiration of the time for filing a request for rehearing or review, or upon denial of such request, whichever is later, as mandated in A.A.C. R4-19-609.

Respondent may apply for reinstatement of the said licenses pursuant to A.A.C. R4-19-404 after a period of five years..

DATED this 19th day of November, 2008.

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

COPIES mailed this 28th day of November, 2008, by Certified Mail No. 7006 3450 0000 4916 1637 and First Class Mail to:

Leonard Frank Jasinski
13077 N 100th Dr
Sun City AZ 85351

1 COPIES of the foregoing mailed this 28th day of November, 2008, to:

2 Nina Zimmerman

3 Assistant Attorney General

4 1275 W. Washington, LES Section

5 Phoenix, AZ 85007

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7 By: Vicky Driver